

**THIRTY-SIXTH DAY**

(Tuesday, March 12, 1957)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lock
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Wilis
Lane	Wood

Absent—Excused

Martin

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**Reports of Standing Committees**

Senator Weinert submitted the following reports:

Austin, Texas,  
March 11, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred S. B. No. 391, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass with attached committee amendment and be printed.

WEINERT, Chairman.

Austin, Texas,  
March 11, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Ju-

risprudence, to whom was referred S. B. No. 148, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass with committee amendments attached hereto and be printed.

WEINERT, Chairman.

Senator Lane submitted the following reports:

Austin, Texas,  
March 12, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 339, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
March 12, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 285, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
March 12, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 284, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
March 12, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 240, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
March 12, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. C. R. No. 40, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Senator Owen submitted the following report:

Austin, Texas,  
March 12, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 340, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

OWEN, Chairman.

#### Senate Bill 214 on Second Reading

On motion of Senator Owen and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 214, A bill to be entitled "An Act amending Chapter 467, House Bill No. 77, Acts, Second Called Session, Forty-fourth Legislature, as such has been heretofore amended, being the Texas Liquor Control Act, and being the Act carried in Vernon's Penal Code as Articles 666 and 667, so as to clarify such Act; repealing laws in conflict herewith; and declaring an emergency,"

The bill was read second time.

Senator Owen offered the following Committee Amendment to the bill:

Amend the caption of Senate Bill No. 214, by adding after the words "so as to clarify such Act," and before the semi-colon, the following:

"by removing from paragraph (a) of Section 3 of Article II, of the Texas Liquor Control Act, the burden imposed by graduated license fees when any one company operates more than one licensed manufacturing location"

The committee amendment was adopted.

The bill, as amended, was passed to engrossment.

#### Record of Votes

Senators Moffett, Aikin and Willis asked to be recorded as voting "Nay" on the passage of S. B. No. 214 to engrossment.

#### Senate Bill 214 on Third Reading

Senator Owen moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that Senate Bill No. 214 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—21

Ashley	Lock
Bracewell	Moffett
Bradshaw	Owen
Fuller	Parkhouse
Gonzalez	Phillips
Hardeman	Ratliff
Hazlewood	Reagan
Herring	Secrest
Kazen	Weinert
Krueger	Wood
Lane	

#### Nays—5

Aikin	Smith
Roberts	Willis
Rogers	

#### Absent

Colson	Hudson
Fly	Moore

#### Absent—Excused

Martin

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Record of Votes

Senators Moffett, Aikin, Ratliff and Willis asked to be recorded as voting "Nay" on final passage of S. B. No. 214.

### Motion to Place Senate Bill 183 on Second Reading

Senator Herring asked unanimous consent to suspend the regular order of business and take up S. B. No. 183 for consideration at this time.

There was objection.

Senator Herring then moved to suspend the regular order of business and take up S. B. No. 183 for consideration at this time.

The motion was lost by the following vote:

#### Yeas—10

Ashley	Herring
Colson	Moffett
Fuller	Owen
Gonzalez	Parkhouse
Hazlewood	Roberts

#### Nays—18

Aikin	Phillips
Bracewell	Ratliff
Bradshaw	Reagan
Hardeman	Rogers
Kazen	Secrest
Krueger	Smith
Lane	Weinert
Lock	Willis
Moore	Wood

#### Absent

Fly	Hudson
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#### Absent—Excused

Martin

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
March 12, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 199, A bill to be entitled "An Act amending Article 2833, Revised Civil Statutes of Texas, 1925; providing for stopping payments to the school district from the State of Texas for failing to comply with this provision; prescribing penalties for filing a false report and establishing venue for prosecution therefor;

Respectfully submitted,  
DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

### Senate Resolution 216

Senator Smith offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate, Mr. Dobson, Mr. Echols, Mr. Cohorn, Mr. Nolan, of Lamesa, Texas; and Mr. Danton Elam, Mr. and Mrs. Mathers, Mrs. Sybil Humphries, Mrs. Sybel Barber, of Gaines County; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; Now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Smith by unanimous consent presented the distinguished guests to the Members of the Senate.

### Senate Resolution 217

Senator Ratliff offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate, Ralph White, Jack Buchanan, Joe Hill, L. J. Davidson and Frank Loveless; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; Now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Ratliff by unanimous consent presented the distinguished guests to the Members of the Senate.

### Senate Resolution 218

Senator Moore offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the Texas History Class of the Franklin High School, accompanied by their superintendent, Mr. Roland Reynolds; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Moore by unanimous consent presented the students and Mr. Reynolds to the Members of the Senate.

#### Presentation of Guests

Senator Secrest by unanimous consent presented 25 students of the Government Class of Milano School and their teacher, Mrs. Sarah T. Bowling to the Members of the Senate.

#### Senate Resolution 219

Senator Herring offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the Sixth Grade Class of Metz School in Austin, Travis County, Texas, accompanied by their teacher, Mrs. Charles Hage; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to their class in recognition of their visit.

The resolution was read and was adopted.

Senator Herring by unanimous consent presented the students and Mrs. Hage to the Members of the Senate.

#### Senate Resolution 220

Senator Weinert offered the following resolution:

Whereas, We are honored today to have in the gallery fifty-three students from the San Marcos Academy of San Marcos, Hays County, Texas (Civics Class), accompanied by Mrs. Jeff Brassell, Mr. Milton Kasch and Miss Lucy Lighthouse, Dean of Girls; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Weinert by unanimous consent presented the students and Mrs. Brassell, Mr. Kasch and Miss Lighthouse to the Members of the Senate.

#### Presentation of Guests

Senator Secrest by unanimous consent presented 54 students of the 8th and 12th Grades of Thorndale High School and their teachers, Mr. Marvin Pipkin and Mr. Sam Paschall to the Members of the Senate.

#### Senate Resolution 221

Senator Owen offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Judge Selwyn Webber and George Fowler of Odessa, Texas; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Owen by unanimous consent presented Judge Webber and Mr. Fowler to the Members of the Senate.

#### Senate Resolution 222

Senator Herring offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the 6th and 7th grades of Oak Hill School in Travis County, Texas, accompanied by their teacher, O. J. Faught, and their bus driver, Max Buaas; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to their class in recognition of their visit.

The resolution was read and was adopted.

Senator Herring by unanimous consent presented the students, Mr. Faught and Mr. Buaas to the Members of the Senate.

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
March 12, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 41, Inviting the Melody Maids of Beaumont to give a concert to a Joint Session on April 8, 1957, at 11:00 A.M.

H. B. No. 11, A bill to be entitled "An Act defining and regulating the business of giving bail in criminal and quasi-criminal cases, providing for the licensing of persons, firms and corporations who engage in that

business in any county having within its boundaries a city with a population of 350,000 inhabitants according to the last preceding Federal Census, providing certain penalties, and declaring an emergency."

H. B. No. 311, A bill to be entitled "An Act creating an additional district court for Galveston County to be known as the District Court of the 122nd Judicial District; providing the terms and jurisdiction of said Court; providing for the appointment of a Judge of said Court; prescribing his qualifications, powers and duties; providing that the District Courts of the 10th, 56th and 122nd Judicial Districts for Galveston County shall have concurrent jurisdiction with each other; providing for the transfer of cases; prescribing the duties of the District Clerk of Galveston County relating to this Court; providing for the appointment of an official shorthand reporter and providing for his compensation; providing that the District Attorney of Galveston County shall perform the duties for the 122nd Judicial District in connection with the Court herein created as provided by law; providing that the Sheriff of Galveston County shall perform the duties in connection with the Court herein created as provided by law; providing all grand and petit juries drawn and selected under existing laws in the County of Galveston shall be considered as lawfully drawn and selected for the next ensuing term of the newly created District Court; making other provisions relative to the business and functions of said Court; providing a severability clause; and declaring an emergency."

H. B. No. 444, A bill to be entitled "An Act authorizing school districts whose territory, or a part thereof, is situated in counties having a population of more than 100,000, according to the then last Federal Census, when authorized by an election held for that purpose, to levy, assess and collect, in addition to annual ad valorem taxes for current maintenance of public free schools, as provided by law, an additional ad valorem tax of not exceeding 50c on the \$100.00 valuation for the purpose of paying current interest and maturities on bonds issued for the purchase, construction, repair or equipment of public free school buildings and the purchase of land therefor, or for the purpose of pay-

ing currently in cash for the purchase, construction, repair or equipment of public free school buildings and the purchase of necessary sites therefor, providing that the total amount of ad valorem taxes levied, collected or assessed shall not exceed \$2.00 on the \$100.00 valuation of taxable property; enacting other provisions relating thereto; containing a saving clause; and declaring an emergency."

H. C. R. No. 51, Suspending Joint Rules of the two Houses to permit the House to consider H. B. No. 133, the General Appropriation Bill at any time.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives.

#### Senate Bill 32 on Second Reading

On motion of Senator Rogers and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 32, A bill to be entitled "An Act regulating the handling and sale of chicken eggs within this State; placing administration of the Act in the Commissioner of Agriculture; providing for the establishment of standards of size and quality of eggs and for the grading and labelling of eggs; providing for the licensing of egg retailers; dealers, wholesalers, processors and brokers and for payment of license fees; prescribing offenses and penalties; providing for financing the program; making other provisions relating to the administration and enforcement of the Act; providing for severability; and declaring an emergency."

The bill was read second time.

Senator Rogers offered the following Committee Amendment to the bill:

Amend Section 11, of S. B. No. 32, by striking out the words "except Section 6."

The Committee Amendment was adopted.

On motion of Senator Rogers and by unanimous consent Committee

Amendments Nos. 2 and 3 were not offered.

Senator Rogers offered the following amendment to the bill:

Amend Section 7 by striking out the first paragraph and substituting the following in lieu thereof:

"Section 7. After being received from the producer, all shell eggs for human consumption shall be properly handled to prevent undue deterioration."

The amendment was adopted.

Senator Rogers offered the following amendment to the bill:

Amend Section 13 by striking out the fourth (and last) paragraph thereof and substituting the following, to-wit:

"The Board shall hold at least two meetings annually, and any additional meetings the Chairman deems necessary."

The amendment was adopted.

Senator Rogers offered the following amendment to the bill:

Amend Section 16 (b) by striking out the entire paragraph and substituting the following in lieu thereof:

"(b) Dealers and Wholesalers at Each Plant:

1 case (30 doz. eggs) to and including 9	\$ 5.00
10 cases to and including 49	10.00
50 cases to and including 99	15.00
100 cases to and including 199	25.00
200 cases to and including 499	50.00
500 cases to and including 999	75.00
1,000 cases to and including 1,499	100.00
1,500 cases to and including 2,999	200.00
3,000 cases and up	250.00"

The amendment was adopted.

Senator Rogers offered the following amendment to the bill:

Amend Section 18 by striking out the entire paragraph and substituting the following in lieu thereof:

"Section 18. Any person violating

the provisions of this Act or the rules and regulations promulgated by the Commissioner as provided for by this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$50.00 and not more than one thousand dollars (\$1,000). In case of a conviction the license of such violator may be suspended by the Commissioner for a period not to exceed ninety (90) days."

The amendment was read.

Senator Hardeman offered the following amendment to the amendment:

Amend S. B. 32, Rogers amendment to Section 18, by striking out the words "or the rules and regulations promulgated by the Commissioner as provided for by this Act."

The amendment to the amendment was adopted.

The amendment, as amended, was then adopted.

Senator Rogers offered the following amendment to the bill:

Amend S. B. 32, Section 14(a) by deleting the period after the word "flocks" and adding the following: "unless a grade is claimed."

The amendment was adopted.

Senator Rogers offered the following amendment to the bill:

Amend S. B. 32, Section 17, paragraph (a), by inserting at the end of the second sentence and before the third sentence thereof, the following: "provided, that in situations where such person is also a retailer, and said eggs have been purchased by him from the producers thereof in less than case lots, no connection need be made between the record of such eggs purchased and the record of such eggs sold."

The amendment was adopted.

Senator Rogers offered the following amendment to the bill:

Amend S. B. 32, Section 12(b) by replacing the period after the word "violated" with a semicolon and adding the following: "provided, however, that the State Department of Agriculture shall reimburse the place of

business, from which such eggs were taken for samples, the actual cost of such eggs."

The amendment was adopted.

Senator Hudson offered the following amendment to the bill:

Amend Section 10 by striking out the entire paragraph and substituting the following in lieu thereof:

Section 10. It shall be presumed from the fact of possession by any person engaged in the sale of eggs that such eggs are for sale for human consumption as food unless they have been denatured or labelled in accordance with their specific intended uses other than human consumption.

The amendment was adopted.

Senator Lane offered the following amendment to the bill:

Amend S. B. 32 by adding a new section to be appropriately numbered to read as follows:

"Nothing herein shall be construed as requiring an out-of-state seller of eggs to secure a license under this Act unless the sale is made to the retail consumer."

The amendment was read.

Senator Rogers moved to table the amendment.

The motion to table was lost by the following vote:

#### Yeas—13

Ashley	Moffett
Colson	Owen
Fuller	Roberts
Gonzalez	Rogers
Hudson	Smith
Kazen	Weinert
Krueger	

#### Nays—16

Aikin	Moore
Bracewell	Parkhouse
Bradshaw	Phillips
Hardeman	Ratliff
Hazlewood	Reagan
Herring	Secrest
Lane	Willis
Lock	Wood

#### Absent

Fly

**Absent—Excused**

Martin

Question recurred on the amendment.

Yeas and Nays were demanded.

The amendment was adopted by the following vote:

**Yeas—15**

Aikin	Parkhouse
Bracewell	Phillips
Bradshaw	Ratliff
Hardeman	Reagan
Hazlewood	Secrest
Herring	Willis
Lane	Wood
Lock	

**Nays—14**

Ashley	Moffett
Colson	Moore
Fuller	Owen
Gonzalez	Roberts
Hudson	Rogers
Kazen	Smith
Krueger	Weinert

**Absent**

Fly

**Absent—Excused**

Martin

Senator Ashley offered the following amendment to the bill:

Amend S. B. 32, Section 16, by striking out paragraph (a) thereof and relettering paragraphs (b), (c) and (d) thereof accordingly.

The amendment was adopted.

Senator Hardeman offered the following amendment to the bill:

Amend S. B. 32, Sec. 12, subsection (e), line 50, p. 2, by changing the period to a semicolon and adding:

“provided such rules are approved in writing by the Attorney General of Texas, such approval to remain on file for public inspection.”

The amendment was adopted.

Senator Hardeman offered the following amendment to the bill:

Amend S. B. 32, Sec. 6, by changing the period at the end of Sec. 6 to a semicolon and add the following:

“provided, however, that this section shall not apply to producers of eggs when selling only the production of their own flocks.”

The amendment was adopted.

Senator Hardeman offered the following amendment to the bill:

Amend S. B. 32, Sec. 15, by striking out all of the first paragraph and substituting the following:

“In order to create a fund for the enforcement of the provisions of this Act, each licensee shall pay an annual license fee; provided, however, that no retailer as that term is defined herein shall be required to pay any license fee. The term ‘retailer’ is defined to mean any person selling or offering for sale eggs to consumers only in this State. Licenses shall be classified under the following headings:”

The amendment was adopted.

Senator Hardeman offered the following amendment to the bill:

Amend S. B. 32, Sec. 16, by changing the period at the end of Sec. 16 to a comma and adding the following:

“upon appropriation by the Legislature.”

The amendment was adopted.

Question—Shall S. B. No. 32 be passed to engrossment?

**Joint Session**

(To Hear address of the Honorable Prentice Cooper.)

The President announced that pursuant to the provisions of S. C. R. No. 27, the time had arrived for the Joint Session to hear an address by the Honorable Prentice Cooper, former Governor of Tennessee.

The President of the Senate and the Senators present proceeded to the Hall of the House of Representatives at 11:30 o'clock a.m.

The Senators were announced and were admitted and escorted to seats prepared for them along the aisle.

The Honorable Prentice Cooper was announced and was escorted to the Speaker's Rostrum by Senators Hardeman, Weinert, Lane, Ashley and Hazlewood on the part of the Senate

and Representatives Smith of Hays, Thurmond, Richardson, Bishop and Stroman on the part of the House.

The President called the Senate to order, and announced a quorum of the Senate present.

Hon. Waggoner Carr, Speaker of the House of Representatives, called the House to order and announced a quorum of the House present.

The Speaker announced the purpose of the Joint Session and presented Senator Hardeman.

Senator Hardeman presented the Honorable Prentice Cooper, who served as Governor of the State of Tennessee for three terms and United States Ambassador to Peru from 1946-1948.

Mr. Cooper addressed the Joint

Session relative to friendships between Texas and Tennessee, historical figures of both States, problems confronting the Western Hemisphere and some solutions thereof.

At the conclusion of the address, the President announced the purpose of the Joint Session concluded and requested the Senate to retire to its Chamber.

#### **In Legislative Session**

The President called the Senate to order as in Legislative Session at 12:07 o'clock p.m.

#### **Adjournment**

On motion of Senator Herring, the Senate at 12:08 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

In Memory of

**Mrs. W. W. Turner**

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Senator Bracewell offered the following resolution:

(Senate Resolution 215)

Whereas, Almighty God in His infinite wisdom called from this earthly life Mrs. W. W. Turner of Webster, Texas, on March 1, 1957; and

Whereas, Mrs. Turner was a native of Harrison Switch, near Waco, but had lived in Webster for the past forty years; and

Whereas, She and her husband opened their home at Clear Lake to servicemen in World War I, and she became affectionately known by hundreds of soldiers as "Mother Turner"; and

Whereas, She served as chief hostess in the House of Representatives until she became ill four years ago, being eighty-two years of age when called to her heavenly reward; and

Whereas, It is the desire of the Senate of the Fifty-fifth Legislature to pay tribute to this outstanding citizen who gave freely of her time and energy; now, therefore, be it

Resolved, By the Senate of Texas, That the loss of this esteemed citizen is a loss to the entire state; and be it further

Resolved, That when the Senate adjourns today, it do so in honor and respect to Mrs. W. W. (Mother) Turner.

BRACEWELL  
SECREST

The resolution was read and was adopted by a rising vote of the Senate.